

Finance, Revenue and Bonding Committee

March 18, 2013

Senate Bill 1114: AAC the Governing Board of the Harbor Point District and an
Expansion of Tax Incremental Financing

Testimony Submitted by:

Mark S. Steiner – Managing Member
Seaside in Waterford, LLC

Senator Fonfara, Representative Widlitz, Senator Frantz, Representative Williams and members of the Finance, Revenue and Bonding Committee, my name is Mark Steiner and I am the managing member of Seaside in Waterford, LLC, a Connecticut limited liability company that currently has the agreement with the State to acquire the property known as the former Seaside Regional Center located in Waterford, Connecticut. This site is comprised of approximately 32 acres and improved with various buildings that have fallen into disrepair over the course of many years. My plans contemplate the development of higher-end condominium units on the property as well as the creation of some public space that will allow the residents of Waterford and beyond to enjoy this scenic property.

I present testimony today in the context of a bill before your Committee, Senate Bill No. 1114, entitled “An Act Concerning the Governing Board of the Harbor Point District and an Expansion of Tax Incremental Financing.” Although I am not here to present testimony specifically with regard to the Harbor Point District, I would like to take this opportunity to request that the Committee consider amending the bill to provide for the creation of the “Seaside Improvement District,” a special taxing district that will allow for the financing, in part, of the improvements that are contemplated for the development at the Seaside property.

As you may appreciate, in today’s economy, it is important to identify a number of different sources of revenue that may be utilized in order to realize a development as significant and as ambitious as the one contemplated at Seaside. In our case, as is the case with all developments, we will be utilizing a combination of debt and equity; however, it is apparent that this will not be sufficient to fund all the improvements that are necessary, nor should it be. Therefore, as many other entities have done before me, I respectfully request that the General Assembly create a Special Taxing District known as the “Seaside Improvement District” which would cover only that property known as the Seaside property which will be acquired from the State. This district, if created, will allow for an additional means to finance the much-needed improvements intended for the Seaside property.

Attached to my testimony is proposed language that would accomplish this goal. This language, with the exception of the name of the town and the legal description of the Seaside property, is identical to language that this General Assembly has approved in

prior years when it has created other taxing districts. I respectfully request that this Committee consider amending this bill before it with this proposed language to allow for the creation of the "Seaside Improvement District."

Thank you for the opportunity to provide this testimony to the Committee, and I would be happy to answer any questions that you might have.

AN ACT CONCERNING AN IMPROVEMENT DISTRICT IN THE TOWN OF WATERFORD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective July 1, 2013*) (a) For purposes of this section:

(1) "District" means that certain real property, situated in the town of Waterford the County of New London and the state of Connecticut, the Seaside Improvement District, a body politic and corporate and deemed to be established pursuant to section 7-325 of the general statutes, consisting of the area bounded and described as follows: A CERTAIN PARCEL OF LAND LOCATED ON THE SOUTHERLY SIDE OF SHORE ROAD, IN THE TOWN OF WATERFORD, COUNTY OF NEW LONDON, STATE OF CONNECTICUT AND IS PARTLY SHOWN ON A PLAN TITLED: "PERIMETER SURVEY, PROPERTY OF STATE OF CONNECTICUT, SEASIDE REGIONAL CENTER, SHORE ROAD, WATERFORD, CONNECTICUT, SCALE: 1" = 100', DATE: JAN. 1998, REVISED THROUGH 6/15/04, BY CLA ENGINEERS, INC., NORWICH, CONNECTICUT" AND ON A PLAN TITLED: "PLAN OF EPHRAIM BROOKS ESTATE, WATERFORD, CONN. OCTOBER 1920, SCALE: 40 FT. = 1 IN., BY DABOLL AND CRANDALL, ENGRS., NEW LONDON, CONN." AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY STREET LINE OF SHORE ROAD, SAID POINT BEING THE MOST NORTHERLY CORNER OF "PARCEL RETAINED BY STATE OF CONNECTICUT" AND THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE RUNNING N 67°26'40" E BY AND WITH SAID SOUTHERLY STREET LINE FOR A DISTANCE OF 289.95 FEET TO A POINT;

THENCE DEPARTING SAID SOUTHERLY STREET LINE AND RUNNING S 20°14'10" E, BOUNDED NORTHEASTERLY BY LAND NOW OR FORMERLY OF SARAH M. SULLIVAN, EST. KEVIN SULLIVAN, FOR A DISTANCE OF 50.00 FEET TO A POINT;

THENCE RUNNING N 67°32'25" E BOUNDED NORTHWESTERLY BY SAID LAND OF SULLIVAN FOR A DISTANCE OF 50.00 FEET TO A POINT IN A STONE WALL;

THENCE RUNNING S 20°14'10" E BY AND ALONG SAID STONE WALL, BOUNDED NORTHEASTERLY BY SAID LAND OF SULLIVAN FOR A DISTANCE OF 67.00 FEET TO AN IRON PIN;

THENCE RUNNING S 28°04'55" E, BOUNDED NORTHEASTERLY BY LAND NOW OR FORMERLY OF RICHARD & ANN L. SCHENK FOR A DISTANCE OF 55.28 FEET TO A POINT IN A STONE WALL;

THENCE RUNNING S 14°48'40" E BY AND ALONG SAID STONE WALL, BOUNDED EASTERLY IN PART BY SAID LAND OF SCHENK AND IN PART BY LAND NOW OR FORMERLY OF BART E. & LUCILLE P. LACOE FOR A DISTANCE OF 69.95 FEET TO A POINT IN SAID STONE WALL;

THENCE RUNNING S 19°20'10" E BY AND ALONG SAID STONE WALL, BOUNDED EASTERLY BY SAID LAND OF LACOE FOR A DISTANCE OF 75.00 FEET TO A DRILL HOLE IN SAID STONE WALL;

THENCE RUNNING S 30°39'30" E BY AND ALONG SAID STONE WALL, BOUNDED NORTHEASTERLY BY LAND NOW OR FORMERLY OF WALTER C. & MARY A. CAHILL FOR A DISTANCE OF 15.22 FEET TO A POINT IN SAID STONE WALL;

THENCE RUNNING S 16°29'55" E BY AND ALONG SAID STONE WALL, BOUNDED EASTERLY BY SAID LAND OF CAHILL FOR A DISTANCE OF 23.83 FEET TO A POINT IN SAID STONE WALL;

THENCE RUNNING S 21°08'10" E IN PART BY AND ALONG SAID STONE WALL, BOUNDED EASTERLY IN PART BY SAID LAND OF CAHILL AND IN PART BY LAND NOW OR FORMERLY OF THOMAS R. & SHEEDY FLOYD FOR A DISTANCE OF 273.89 FEET TO A POINT;

THENCE RUNNING N 71°10'20" E BOUNDED NORTHWESTERLY IN PART BY SAID LAND OF FLOYD, IN PART BY LAND NOW OR FORMERLY OF ARLINE S. CAMASSAR, IN PART BY LAND NOW OR FORMERLY OF JOHN & JOSEPHINE S. MERRILL AND IN PART BY LAND NOW OR FORMERLY OF WARREN J. & MARY M. BURR FOR A DISTANCE OF 526.91 FEET TO A POINT IN A STONE WALL;

THENCE RUNNING N 67°39'50" E BOUNDED NORTHWESTERLY BY SAID LAND OF BURR FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE RUNNING N 26°47'32" W ON A COURSE THAT IS PARALLEL WITH AND 10 FEET EASTERLY OF A STONE WALL, BOUNDED WESTERLY

BY LAND NOW OR FORMERLY OF BONA VITA FOR A DISTANCE OF 667 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY STREET LINE OF SHORE ROAD;

THENCE RUNNING IN AN EASTERLY DIRECTION BY AND WITH THE SOUTHERLY STREET LINE OF SHORE ROAD FOR A DISTANCE OF 150 FEET MORE OR LESS TO A POINT;

THENCE DEPARTING SAID SOUTHERLY STREET LINE OF SHORE ROAD AND RUNNING IN A SOUTHERLY DIRECTION FOR A DISTANCE OF 735 FEET MORE OR LESS TO A POINT MARKED BY A GRANITE MONUMENT AT THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF OLGA E. TIBERII, TRUSTEE;

THENCE RUNNING S 19°51'00" E BY AND ALONG SAID STONE WALL, BOUNDED EASTERLY BY SAID LAND OF TIBERII FOR A DISTANCE OF 711.51 FEET TO A GRANITE MONUMENT, SAID POINT BEING THE FIRST POINT ON A SURVEY CLOSING LINE, SAID SURVEY CLOSING LINE HAVING 24 COURSES AS FOLLOWS:

S 19°51'00" E, A DISTANCE OF 7.96 FEET;

S 78°47'10" W, A DISTANCE OF 68.35 FEET;

S 73°23'45" W, A DISTANCE OF 51.06 FEET;

N 17°18'35" W, A DISTANCE OF 13.31 FEET;

S 70°27'30" W, A DISTANCE OF 16.63 FEET;

S 15°07'15" E, A DISTANCE OF 12.87 FEET;

S 71°55'20" W, A DISTANCE OF 37.16 FEET;

S 62°11'05" W, A DISTANCE OF 83.51 FEET;

S 43°18'40" W, A DISTANCE OF 20.37 FEET;

S 15°09'40" E, A DISTANCE OF 11.14 FEET;

S 68°11'45" W, A DISTANCE OF 45.92 FEET;

N 43°24'25" W, A DISTANCE OF 37.46 FEET;

S 77°41'30" W, A DISTANCE OF 94.56 FEET;

S 70°21'50" W, A DISTANCE OF 53.29 FEET;

N 67°59'25" W, A DISTANCE OF 65.13 FEET;

S 77°46'30" W, A DISTANCE OF 64.25 FEET;

S 64°58'55" W, A DISTANCE OF 21.96 FEET;

S 43°31'35" W, A DISTANCE OF 29.83 FEET;

S 24°50'10" W, A DISTANCE OF 37.63 FEET;

S 60°09'50" W, A DISTANCE OF 55.62 FEET;

S 73°20'15" W, A DISTANCE OF 344.47 FEET;

S 77°34'20" W, A DISTANCE OF 192.26 FEET;

S 69°19'00" W, A DISTANCE OF 238.91 FEET;

THENCE RUNNING N 10°28'30" W, BOUNDED WESTERLY BY LAND NOW OR FORMERLY OF ROBERT & VIRGINIA RADWAY FOR A DISTANCE OF 8.51 FEET TO A GRANITE MONUMENT, SAID POINT BEING THE LAST POINT OF SAID SURVEY CLOSING LINE, SAID SURVEY CLOSING LINE BEING USED FOR THE PURPOSE OF PROVIDING A MATHEMATICAL CLOSURE, THE TRUE PROPERTY LINE BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE AFOREMENTIONED FIRST POINT OF SAID SURVEY CLOSING LINE;

THENCE RUNNING BY AND WITH THE MEAN HIGH WATER LINE OF LONG ISLAND SOUND, IN A GENERALLY SOUTHEASTERLY, SOUTHWESTERLY AND NORTHWESTERLY DIRECTION FOR A DISTANCE OF 1908 FEET MORE OR LESS TO THE LAST POINT OF SAID SURVEY CLOSING LINE;

THENCE CONTINUING N 10°28'30" W BOUNDED WESTERLY BY SAID LAND OF RADWAY FOR A DISTANCE OF 199.11 FEET TO A GRANITE MONUMENT;

THENCE RUNNING N 10°28'40" W BOUNDED WESTERLY IN PART BY LAND NOW OR FORMERLY OF ESCOTT & PHYLLIS SMITH AND IN PART BY LAND NOW OR FORMERLY OF DONALD F. & JEAN L. BRADSHAW FOR A DISTANCE OF 199.97 FEET TO AN IRON PIPE;

THENCE RUNNING N 10°28'10" W BOUNDED WESTERLY BY LAND NOW OR FORMERLY OF ROBERT W. & EDITH C. JACQUES FOR A DISTANCE OF 146.48 FEET TO A GRANITE MONUMENT;

THENCE RUNNING N 11°51'20" W BOUNDED WESTERLY BY SAID LAND OF JACQUES FOR A DISTANCE OF 3.52 FEET TO AN IRON PIN;

THENCE RUNNING N 84°42'10" W BOUNDED SOUTHERLY BY SAID LAND OF JACQUES FOR A DISTANCE OF 90.02 FEET TO AN IRON PIN;

THENCE RUNNING N 13°00'10" W IN PART BY AND ALONG A STONE WALL, BOUNDED WESTERLY BY LAND NOW OR FORMERLY OF ROBERT W. & EDITH C. JACQUES FOR A DISTANCE OF 177.83 FEET TO A POINT;

THENCE RUNNING N 17°12'50" W BOUNDED WESTERLY BY LAND NOW OR FORMERLY OF ROBERT W. JACQUES FOR A DISTANCE OF 206.68 FEET TO AN IRON PIN;

THENCE RUNNING N 68°14'46" E BOUNDED NORTHERLY BY LAND NOW OR FORMERLY OF STATE OF CONNECTICUT FOR A DISTANCE OF 509.18 FEET TO AN IRON PIN;

THENCE RUNNING N 21°39'34" W BOUNDED WESTERLY BY SAID LAND OF STATE OF CONNECTICUT FOR A DISTANCE OF 256.04 FEET TO AN IRON PIN AT A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF N 67°06'00" W, AND A CHORD OF 35.63 FEET;

THENCE RUNNING IN A NORTHWESTERLY DIRECTION, BY AND WITH THE ARC OF SAID CURVE, BOUNDED SOUTHWESTERLY BY SAID LAND OF STATE OF CONNECTICUT, FOR A DISTANCE OF 39.66 FEET THROUGH A CENTRAL ANGLE OF 90°53'46" TO THE POINT AND PLACE OF BEGINNING;

Containing 34.21 acres or 1,490,286 square feet, more or less. The district boundaries shall also include any off-site locations mandated by any permitting agency for improvements undertaken by the district.

(2) "Voter" means (A) any person who is an elector of the district, (B) any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the district for taxes assessed against such citizen on an assessment of not less than one thousand dollars on the last-completed grand list of such district, as the case may be, or who would be so liable if not entitled to an

exemption under subdivision (17), (19), (22), (23) or (26) of section 12-81 of the general statutes, or (C) holders of record of an interest in real property within the district.

(3) "Bonds" means bonds, notes or other obligations authorized by this section.

(b) (1) Upon the petition of fifteen or more persons eligible to vote in the town of Waterford, specifying the district for any or all of the purposes set forth in this section, the town council of such town shall call a meeting of the voters to act upon such petition, which meeting shall be held at such place within such town and such hour as the town council designates, not later than thirty days after such petition has been received by the town council. Such meeting shall be called by publication of a written notice of the same, signed by the town council of the town of Waterford, at least fourteen days before the time fixed for such meeting in two successive issues of some newspaper published or circulated in such town. Not later than twenty-four hours before such meeting, (A) two hundred or more voters or ten per cent of the total number of voters of such proposed district, whichever is less, may petition the town council, in writing, for a referendum of the voters of such proposed district, or (B) the town council in its discretion may order a referendum of the voters of such proposed district, on the sole question of whether the proposed district should be established. Any such referendum shall be held not less than seven or more than fourteen days after the receipt of such petition or the date of such order, on a day to be set by the town council for a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m.; except that such town may, by vote of its town council, provide for an earlier hour for opening the polls but not earlier than six o'clock a.m., notwithstanding the provisions of any special act. If voters representing at least two-thirds of the assessments of holders of record within the proposed district cast votes in such referendum in favor of establishing the proposed district, the town manager shall reconvene such meeting not later than seven days after the day on which the referendum is held. Upon approval of the petition for the proposed district by voters representing at least two-thirds of the assessments of holders of record within the proposed district present at such meeting, or if a referendum is held, upon the reconvening of such meeting after the referendum, the voters, upon the vote of voters representing a majority of assessments of holders of record within the proposed district, choose necessary officers therefor to hold office until the first annual meeting thereof; and the district shall, upon the filing of the first report filed in the manner provided in subsection (c) of section 7-325 of the general statutes, thereupon be a body corporate and politic and have the powers provided in sections 7-324 to 7-329, inclusive, of the general statutes, not inconsistent with the general statutes or this section, in relation to the objects for which it was established, that are necessary for the accomplishment of such

objects, including the power to lay and collect taxes. The clerk of such district shall cause its name and a description of its territorial limits and of any additions that may be made thereto to be recorded in, and a caveat be placed upon, the land records of the town of Waterford.

(2) At the meeting called for the purpose of establishing the district as provided in subdivision (1) of this subsection, the voters may establish the district for any or all of the following purposes: To light streets, to plant and care for shade and ornamental trees, to plan, lay out, acquire, construct, maintain and finance roads, sidewalks, crosswalks, drains, sewers and sewage treatment facilities, utility improvements and connections, parking facilities, open space, bulkhead repairs, dredging and construction, environmental remediation and other infrastructure improvements and to acquire, construct, maintain and regulate the use of recreational facilities, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system, to plan, lay out, acquire, construct, maintain, operate, finance and regulate the use of a community water system, all as hereinafter referred to as the "improvements". The district may contract with a town, city, borough or other district for carrying out any of the purposes or the purchase or sale of any of the improvements for which such district was established.

(3) (A) At the meeting called for the purpose of establishing the district as provided in subdivision (1) of this subsection, the voters shall fix the date of the annual meeting of the voters for the transaction of such business as may properly come before such annual meeting. The district shall have five directors. At such organization meeting of the district, the voters shall elect four directors, and, upon the organization of the district and at all times thereafter, one director shall be appointed by the town council of the town of Waterford. From such directors, the voters shall elect at the organizational meeting and following each election of directors thereafter, a president, vice-president, a clerk and a treasurer. The initial directors shall serve until the first annual meeting and thereafter such directors shall be elected or appointed, as applicable, for a term of four years. Not less than three members of the board of directors shall be residents of the state. Subject to the provisions of subdivision (4) of this subsection, not fewer than fifteen voters of the district shall constitute a quorum for the transaction of business at such organizational meeting of the district; and, if fifteen voters are not present at such meeting, the town manager may adjourn such meeting from time to time, until at least fifteen voters are present.

(B) Special meetings of the district may be called on the application of ten per cent of the total number of voters of such district or twenty of the voters of such district, whichever is less, or by the president or any three directors upon giving notice as provided in this subdivision. Any special meeting called on the

application of the voters shall be held not later than twenty-one days after receiving such application. Notice of the holding of the annual meeting and all special meetings shall be given by publication of a notice of such meetings in a newspaper having a general circulation in such district at least ten days before the day of such meetings, signed by the president or any three directors, which notice shall designate the time and place of such meetings and the business to be transacted thereat. Two hundred or more persons or ten per cent of the total number of voters of such district, whichever is less, may petition the clerk of such district, in writing, at least twenty-four hours prior to any such meeting, requesting that any item or items on the call of such meeting be submitted to the voters not less than seven or more than fourteen days thereafter, on a day to be set by the district meeting or, if the district meeting does not set a date, by the board of directors, or a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m., except that any district may, by vote of its board of directors, provide for an earlier hour for opening the polls but not earlier than six o'clock a.m. The paper ballots or voting machine ballot labels, as the case may be, shall be provided by the clerk. When such a petition has been filed with the clerk, the president, after completion of other business and after reasonable discussion, shall adjourn such meeting and order such vote on such item or items in accordance with the petition; and any item so voted may be rescinded in the same manner. The clerk shall phrase such item or items in a form suitable for printing on such paper ballots or ballot labels.

(C) As provided in subdivision (4) of this subsection, not fewer than fifteen voters of the district shall constitute a quorum for the transaction of business at any meeting of the district; and, if fifteen voters are not present at such meeting, the president of the district or, in such president's absence, the vice-president, may adjourn such meeting from time to time, until at least fifteen voters are present; and all meetings of the district where a quorum is present may be adjourned from time to time by a vote of a majority of the voters voting on the question. At any annual or special meeting, the voters may, by a vote of two-thirds of those present and voting, discontinue any purposes for which the district is established or undertake any additional purpose or purposes enumerated in subdivision (2) of this subsection.

(4) (A) A quorum for the transaction of business at the meeting called for the purpose of establishing the district, as provided in subdivisions (1) and (3) of this subsection, shall be either fifteen voters of such district or a majority of the holders of record of interests in real property within such district, as long as the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district. If fifteen voters or a majority of the holders of record of interests in real property within

such district are not present at such meeting or the assessments of such holders of record constitute less than one-half of the total of assessments for all interests in real property within such district, the town manager may adjourn such meeting, from time to time, until at least fifteen voters or a majority of the holders of record of interests in real property within such district are present and the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district.

(B) For the transaction of business at any other meeting of the district, a quorum shall be either fifteen voters of the district or a majority of the holders of record of interests in real property within such district, as long as the assessments for such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district. If fifteen voters or a majority of the holders of record of interests in real property within such district are not present at such meeting or the assessments of such holders of record constitute less than one-half of the total assessments for all interests in real property within such district, the president of the district, or in such president's absence, the vice-president, may adjourn such meeting, from time to time, until at least fifteen voters or a majority of the holders of record of interests in real property within such district are present and the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district.

(5) In any case in which an action for a vote by the voters of the district is to be initiated by the petition of such voters, in addition to such other requirements as the general statutes or any special act may impose, such petition shall be on a form prescribed or approved by the clerk of such district, and each page of such petition shall contain a statement, signed under penalties of false statement, by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement hereinbefore provided shall be subject to the penalty provided for false statement. No petition shall be valid for any action for a vote by the voters at any regular or special district meeting unless such petition shall be circulated by a voter eligible to vote in such district.

(c) Whenever the officers of such district vote to terminate its corporate existence and whenever a petition signed by ten per cent of the total voters of such district or twenty of the voters of such district, whichever is less, applying for a special

meeting to vote on the termination of the district is received by the clerk, the clerk shall call a special meeting of the voters of such district, the notice of which shall be signed by the officers thereof, by advertising the same in the same manner as provided in section 7-325 of the general statutes. Not later than twenty-four hours before any such meeting, two hundred or more voters or ten per cent of the total number of voters, whichever is less, may petition the clerk of the district, in writing, that a referendum on the question of whether the district should be terminated be held in the manner provided in section 7-327 of the general statutes. If, at such meeting, a two-thirds majority of the voters present vote to terminate the corporate existence of the district, or, if a referendum is held, two-thirds of the voters casting votes in such referendum vote to terminate the corporate existence of the district, the officers shall proceed to terminate the affairs of such district. The district shall pay all outstanding indebtedness and turn over the balance of the assets of such district to the town of Waterford, if the town council of the town by resolution authorizes such action. The district shall not be terminated under this subsection until all of its outstanding indebtedness is paid unless the town council of the town of Waterford agrees by resolution to assume such indebtedness, which action the town council is authorized to undertake notwithstanding the provisions of any of the general statutes, or of any other public or special act or charter or ordinance or resolution, to the contrary. On completion of the duties of the officers of such district, the clerk shall cause a certificate of the vote of such meeting to be recorded in the land records of the town of Waterford and the clerk shall notify the Secretary of the Office of Policy and Management.

(d) (1) For purposes of voting at meetings held by such district, any tenant in common of any interest in real property shall have a vote equal to the fraction of such tenant in common's ownership of such interest. Any joint tenant of any interest in real property shall vote as if each such tenant owned an equal fractional share of such real property. A corporation shall have its vote cast by the chief executive officer of such corporation, or such officer's designee. Any entity that is not a corporation shall have its vote cast by a person authorized by such entity to cast its vote. No owner shall have more than one vote.

(2) No holder of record of an interest in real property shall be precluded from participating in any district meeting or referendum because of the form of entity that holds such interest, whether such holder of record is (A) a corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator or other form of entity, or any combination thereof, or (B) an individual who holds interests jointly or in common with another individual or individuals, or with any one or more of the entities listed in subparagraph (A) of this subdivision.

(e) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, the district shall have the power to assess, levy and collect benefit assessments upon the land and buildings in the district which, in its judgment, are benefited by the improvements.

(f) (1) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, the district shall have the power to fix, revise, charge, collect, abate and forgive reasonable taxes, fees, rents and benefit assessments, and other charges for the cost of the improvements, financing costs, operating expenses and other services and commodities furnished or supplied to the real property in the district in accordance with the applicable provisions of the general statutes which apply to districts established under section 7-325 of the general statutes, and this section and in the manner prescribed by the district. Notwithstanding any provision of the general statutes, the district may make grants for, or pay the entire cost of any improvements, including the costs of financing such improvements, capitalized interest and the funding of any reserve funds necessary to secure such financing or the debt service of bonds or notes issued to finance such costs, from taxes, fees, rents, benefit assessments or other revenues and may assess, levy and collect said taxes, fees, rents or benefit assessments concurrently with the commencement of construction of the improvements or the issuance of bonds, notes or other obligations to finance such improvements based on the estimated cost of the improvements prior to the acquisition or construction of the improvements or based on the actual cost of the improvements upon the completion or acquisition of the improvements.

(2) Notwithstanding any provision of the general statutes, whenever the district constructs, improves, extends, equips, rehabilitates, repairs, acquires or provides a grant for any improvements or finances the cost of such improvements, such proportion of the cost or estimated cost of the improvements and financing thereof, as determined by the district, may be assessed by the district, herein referred to as "benefit assessments", in the manner prescribed by such district, upon the property benefited by such improvements and the balance of such costs shall be paid from the general funds of the district. The district may provide for the payment of such benefit assessments in annual installments, not exceeding thirty, and may forgive such benefit assessments in any single year without causing the remainder of installments of benefit assessments to be forgiven. Benefit assessments to buildings or structures constructed or expanded after the initial benefit assessment may be assessed as if the new or expanded buildings or structures had existed at the time of the original benefit assessment.

(3) In order to provide for the collection and enforcement of its taxes, fees, rents, benefit assessments and other charges, the district is hereby granted all the

powers and privileges with respect thereto as districts organized pursuant to section 7-325 of the general statutes, or as otherwise provided in this section. Such taxes, fees, rents or benefit assessments, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as delinquent property taxes. Each such lien may be continued, recorded and released in the manner provided for property tax liens and shall take precedence over all other liens or encumbrances except a lien for taxes, fees, rents or benefit assessments of the town of Waterford. Each such lien may be continued, recorded and released in the manner provided for property tax liens.

(4) The budget, taxes, fees, rents, benefit assessments and any other charges of the district of general application shall be adopted and revised by the board at least annually, not more than thirty days before the beginning of the fiscal year, in accordance with the procedures to be established by the board, at a meeting called by the board, assuring that interested persons are afforded notice and an opportunity to be heard. The board shall hold at least two public hearings on its schedule of fees, rates, rents, benefit assessments and other charges or any revision thereof before adoption, notice of which shall be delivered to the town manager and the town clerk of the town of Waterford and be published in at least two newspapers of general circulation in the town of Waterford at least ten days in advance of the hearing. Not later than the date of the publication, the board shall make available to the public and deliver to the town manager and the town clerk of the town of Waterford the proposed schedule of fees, rates, rents, benefit assessments and other charges. The procedures regarding public hearing and appeal provided by section 7-250 of the general statutes shall apply for all benefit assessments made by the district, except that the board shall be substituted for the water pollution control authority. Should the benefit assessments be assessed and levied prior to the acquisition or construction of the improvements, then the amount of the benefit assessments shall be adjusted to reflect the actual cost of the improvements, including all financing costs, once the improvements have been completed, should the actual cost be greater than or less than the estimated costs. Benefit assessments shall be due and payable at such times as are fixed by the board, provided the district shall give notice of such due date not less than thirty days prior to such due date by publication in a newspaper of general circulation in the town of Waterford and by mailing such notice to the owners of the property assessed at their last-known address.

(g) (1) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes whenever the district has authorized the acquisition or construction of the improvements or has made an appropriation therefor, the district may authorize the issuance of up to one hundred forty million dollars of bonds, notes or other obligations to finance the

cost of the improvements, the creation and maintenance of reserves required to sell the bonds and the cost of issuance of the bonds provided no bonds shall be issued prior to the district entering into an interlocal agreement with the town of Waterford, in accordance with the procedures provided by section 7-339c of the general statutes, including at least one public hearing on the proposed agreement and ratification by the town council. Such interlocal agreement may without limitation include provisions regarding acquisition, construction, equipping, and operation and administration of the improvements; regarding acquisition by, transfer or lease to, or other use by the town of all or any portion of the improvements; binding the town or the district to appropriate funds as necessary to meet its obligations under the agreement; and such other provisions as determined by the town council and the district to be necessary or desirable to carry out the purposes hereof. The bonds may be secured as to both principal or interest by (A) the full faith and credit of the district, (B) fees, revenues or benefit assessments, or (C) a combination of subparagraphs (A) and (B) of this subdivision. Such bonds shall be authorized by resolution of the board. The district is authorized to secure such bonds by the full faith and credit of the district or by a pledge of or lien on all or part of its revenues, fees or benefit assessments. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding thirty years from their date or dates, as determined by the board, and may be redeemable before maturity, at the option of the board, at the price or prices and under the terms and conditions fixed by the board before the issuance of the bonds. The board shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the state of Connecticut and other locations as designated by the board. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery.

(2) While any bonds issued by the district remain outstanding, the powers, duties or existence of the district shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of the bonds. Bonds issued under this section, unless otherwise authorized by law, shall not be considered to constitute a debt of the state of Connecticut or the town of Waterford, or a pledge of the full faith and credit of the state of Connecticut or the town of Waterford, but the bonds shall be payable solely by the district or as special obligations payable from particular district revenues. Any bonds issued by the district shall contain on their face a statement to the effect that neither the state of Connecticut nor the town of Waterford shall be obliged to pay the principal of or the interest thereon, and that neither the full faith and credit or

taxing power of the state of Connecticut or the town of Waterford is pledged to the payment of the bonds. All bonds issued under this section shall have and are hereby declared to have all the qualities and incidents of negotiable instruments, as provided in title 42a of the general statutes.

(h) (1) The board may authorize that the bonds be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state of Connecticut. The trust agreement may pledge or assign the revenues. Either the resolution providing for the issuance of bonds or the trust agreement may contain covenants or provisions for protecting and enforcing the rights and remedies of the bondholders as may be necessary, reasonable or appropriate and not in violation of law.

(2) All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the district. The pledge by any trust agreement or resolution shall be valid and binding from time to time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the board shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the board, irrespective of whether the parties have notice thereof. Notwithstanding any provision of the Uniform Commercial Code, neither this subsection, the resolution or any trust agreement by which a pledge is created need be filed or recorded except in the records of the board, and no filing need be made under title 42a of the general statutes.

(i) Bonds issued under this section are hereby made securities in which all public officers and public bodies of the state of Connecticut and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control and belonging to them; and such bonds shall be securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state of Connecticut for any purpose for which the deposit of bonds of the state of Connecticut is now or may hereafter be authorized by law.

(j) Bonds may be issued under this section without obtaining the consent of the state of Connecticut or the town of Waterford, and without any proceedings or the happening of any other conditions or things other than those proceedings, conditions or things that are specifically required thereof by this section, and the validity of and security for any bonds issued by the district shall not be affected

by the existence or nonexistence of the consent or other proceedings, conditions or things.

(k) The district and all its receipts, revenues, income and real and personal property shall be exempt from taxation and benefit assessments and the district shall not be required to pay any tax, excise or assessment to or from the state of Connecticut or any of its political subdivisions. The principal and interest on bonds or notes issued by the district shall be free from taxation at all times, except for estate and gift, franchise and excise taxes, imposed by the state of Connecticut or any political subdivision thereof, provided nothing in this section shall act to limit or restrict the ability of the state of Connecticut or the town of Waterford to tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the district.

(l) The board shall at all times keep accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by a duly appointed officer or duly appointed agent of the state of Connecticut or the town of Waterford. The fiscal year of the district shall begin on July first and end on the following June thirtieth or as otherwise established by section 7-327 of the general statutes. The district shall be subject to an audit of its accounts in the manner provided in the general statutes.

(m) (1) At such time as any construction or development activity financed by bonds issued by the district is taking place, the clerk of the district shall submit project activity reports quarterly to the Secretary of the Office of Policy and Management and to the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding.

(2) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be provided to the town manager of the town of Waterford, any existing residents and to all prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of such information to provide each prospective initial purchaser of property in such district with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement.

(n) (1) This section shall be deemed to provide an additional, alternative and complete method of accomplishing the purposes of this section and exercising the powers authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the district by law and particularly by sections 7-324 to 7-329, inclusive, of the general statutes; provided insofar as the proceedings of this section are inconsistent with any general statute or special act, or any resolution or ordinance of the town of Waterford, this section shall be controlling.

(2) Except as specifically provided in this section, all other statutes, ordinances, resolutions, rules and regulations of the state of Connecticut and the town of Waterford shall be applicable to the property, residents and businesses located in the district. Nothing in this section shall in any way obligate the town of Waterford to pay any costs for the acquisition, construction, equipping or operation and administration of the improvements located within the district or for the operation or administration of the district, or to pledge any money or taxes to pay debt service on bonds issued by the district except as may be agreed to in any interlocal agreements executed by the town of Waterford and the district.

(o) Notwithstanding any other provision of this section or of any of the general statutes, or of any other public or special act or charter or ordinance or resolution to the contrary, not earlier than four years from the effective date of this section, at the option of the town of Waterford by resolution of the Board of Selectmen of the town of Waterford, the district shall be merged into the town of Waterford if no bonds have then been issued by the district. Upon such merger, any obligations of the district shall become obligations of the town of Waterford and any property which is owned by the district shall be distributed to the town of Waterford.

(p) This section being necessary for the welfare of the town of Waterford and its inhabitants shall be liberally construed to affect the purposes hereof.